

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

WILSEY EATON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-103-JHP
)	
METROPOLITAN LIFE)	
INSURANCE COMPANY,)	
a foreign insurance company,)	
)	
Defendant.,)	

AMENDED JUDGMENT

NOW ON this 27th day of October, 2009, the Stipulation of Judgment (Doc #39) of the parties comes before this Court and based upon said Stipulation, the Court finds the following judgment should be entered.

That the Plaintiff should have judgment against the Defendant in the amount of \$27,924.07 for past due benefits through September 2009.

That further Plaintiff should be awarded an attorney fee in the amount of \$24,245.00.

That the benefits should be reinstated as of the October 2009 payment.


That further no prejudgment interest should be awarded on the past due amount.

That Metropolitan Life Insurance Company has not waived its right to appeal by virtue of the Stipulation and Amended Judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff have judgment against the Defendant in the amount of \$27,924.07 for past due disability benefits, that the Plaintiff be awarded an attorney fee in the sum of \$24,245.00, that the benefits of \$1,214.09 be reinstated as of October 2009, with Plaintiff's claim to be administered pursuant to the terms

of the Plan thereafter, and that Metropolitan Life Insurance Company has the right to appeal this Amended Judgment.

IT IS SO ORDERED.



James H. Payne
United States District Judge
Eastern District of Oklahoma